

REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. Claims 1, 3, 6, 9, 11, 14, 17, 19 and 20 have been amended herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, Second Paragraph

The Examiner rejected Claims 1 and 4-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention, stating that such claims lack structural support for the claimed method. This rejection is respectfully traversed.

Applicants have amended Claim 1 (which dependent Claims 4-6 depend upon) to specifically reference, in the body of the claim, structure that is defined in the preamble of the claim. Therefore, the rejection of Claims 1 and 4-6 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 1-20 under 35 U.S.C. § 103 as being unpatentable over Hoyt et al (US Patent No. 6,239,718). This rejection is respectfully traversed.

With respect to Claim 1, such claim recites steps of "responsive to receiving a signal from a remote control device, identifying a macro corresponding to the signal, wherein the macro contains a set of codes used to control a set of multimedia devices" and "transmitting the set of codes by the signaling device to the set of multimedia devices, wherein the set of codes causes a series of events to occur in the set of multimedia devices". As can be seen, a macro is identified that corresponds to a signal received from a remote control device, and *this macro contains a set of codes used to control a set of multimedia devices*. In addition, this set of codes is transmitted to the set of multimedia devices, which causes a *series of events to occur in the set of multimedia devices*. Claim 1 thus advantageously provides an ability to control a plurality of multimedia devices in response to a signal from a remote control device. In rejecting Claim 1, the Examiner states that Claims 1-8 recite a method for practicing the system of Claims 9-16 and therefore are rejected for the same reasons. In rejecting Claim 9, the Examiner states that Hoyt's element 5 (Figures 1 and 2) teaches an identifying means for identifying a sequence of commands corresponding to a received signal, and that the sequence of commands contain a set of codes used to control a set of multimedia devices 11, 13, 15, 17, citing Hoyt col. 5, lines 38-50 and col. 6, lines 26+. The Examiner goes on to state that Hoyt's element 7 teaches the claimed transmitting means for transmitting the set of codes to the set of multimedia devices 11, 13, 15, 17, citing Hoyt col. 5, lines 56-65 and col. 7, lines 19-25. Finally, the Examiner states that it would have been obvious to one of ordinary

skill in the art to recognize that the 'sequence of commands' as taught by Hoyt is analogous to the claimed 'macro'. Applicants show error in such rejection as follows.

Hoyt's command stream is with respect to a *single* device and a single event (col. 3, lines 38-41), whereas Claim 1 is directed to a macro that contains a set of codes used to control a *set of multimedia devices*, and this set of codes causes a *series of events* to occur in the set of multimedia devices. Being able to control multiple devices with a single macro advantageously provides improved usability, as it gives the user an ability to perform or initiate a sequence of ordered events across several components through a single button push. Claim 1 has been amended to further emphasize this distinction. It is thus urged that Claim 1 is not obvious in view of the cited reference, as there are several claimed features not taught or suggested by the cited reference. Although a device may be capable of being modified to run the way [the patent applicant's] apparatus is claimed, there must be a suggestion or motivation *in the reference* to do so. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). As will now be shown, there would have been no motivation to modify Hoyt per the features of Claim 1 due to fundamentally architectural differences in the respective system designs.

Still further, *how* the set of codes are provided to control a device is substantially different between what is claimed and what is taught by the cited reference. Per Claim 1, it is the signaling device itself which maintains the macro containing the set of codes used for device control, and which are accessed in such signaling device upon receipt of a command by such signaling device. In contrast, per the teachings of the cited Hoyt reference, the controller only maintains prefixes and suffixes which are sandwiched around a sequence of operator-provided commands, described as the 'body' of the command, that are received by a user/operator (col. 9, line 58 – col. 10, line 15). Because the suffix and prefix which are maintained in the controller are unable to control devices by themselves – and instead require additional user supplied information that is received – the cited reference does not teach or otherwise suggest that the signaling device itself maintains a macro that can be used to control a (set of) device(s). Thus, the user is still required to enter a *plurality* of keystrokes to achieve a desired function – and this desired function is for a *single* device (col. 10, lines 21-23). In contrast, Claim 1 advantageously allows for control of a *plurality* of devices using a *single* macro invocation, which can be accomplished in a preferred embodiment with a single push button. It is thus urged that Claim 1 is not obvious in view of the cited reference.

Applicants initially traverse the rejection of Claims 2-8 for reasons given above with respect to Claim 1 (of which Claims 2-8 depend upon).

Further with respect to Claim 3, because Hoyt is only able to control one device at any given time, there is no ability per the Hoyt design to provide the sequential processing recited in Claim 3, and

thus the elements of Claim 3 are not mere design choices as they are not possible to implement per the Hoyt design.

Applicants traverse the rejection of Claims 9-20 for similar reasons to those given above with respect to Claim 1.

Applicants further traverse the rejection of Claims 11 and 19 for similar reasons to the further reasons given above with respect to Claim 3.

Therefore, the rejection of Claims 1-20 under 35 U.S.C. § 103 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: March 20, 2006

Respectfully submitted,



Cathrine K. Kinslow
Reg. No. 51,886
Wayne P. Bailey
Reg. No. 34,289
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorneys for Applicants